



Jim Doyle, Governor
John A. Scocos, Secretary

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843
PHONE: (608) 266-1311 1-800-947-8387 (WIS VETS)
WEB SITE: <http://dva.state.wi.us>

E-MAIL: Headquarters@dva.state.wi.us
FAX: (608) 267-0403

September 5, 2007

Representative Terry Musser, Chair
Assembly Committee on Veterans and Military Affairs
State Capitol 11 West
Madison, WI 53708

RE: 2007 Assembly Bill 400

Dear Chairman Musser and Committee Members:

On behalf of the Wisconsin Department of Veterans Affairs and the state's 469,000 half-million veterans we serve, thank you for holding a hearing on 2007 Assembly Bill 400 (LRB 0517), a bill to recodify the Wisconsin State Statutes with regards to Wisconsin military affairs.

We are pleased to have been included in the extensive recodification process, which comes in the biennium immediately following the recodification of Chapter 45 of the state statutes, regarding the state's veterans' affairs.

WDVA supports AB 400, which does much to clarify, reorganize, modernized, and improve the consistency of the language of these sections of state law. The incorporation of the Wisconsin Code of Military Justice is also of key importance.

Again, thank you for holding a committee hearing on this important legislation, which represents the culmination of nearly a year's work. As always, we would be pleased to answer any questions you may have.

Sincerely,
DEPARTMENT OF VETERANS AFFAIRS

A handwritten signature in black ink, reading "Will J. Kloster". The signature is fluid and cursive, with the first name "Will" and last name "Kloster" clearly legible.

WILLIAM J. KLOSTER
Acting Secretary

*Remarks of Representative Terry Musser, Chair, Special Committee on Recodification
of Ch. 21, Military Affairs, on 2007 Assembly Bill 400, to the Assembly Committee on
Veterans and Military Affairs,
September 5, 2007*

Good morning. I'm Representative Terry Musser, and I chaired the Special Committee on the Recodification of Ch. 21, relating to Military Affairs. I'm joined by Dick Sweet and Pam Shannon, the Legislative Council attorneys who staffed the committee.

Chapter 21 includes provisions on such subjects as the powers and duties of the Adjutant General, the military staff to the Governor, and the composition and operations of the Wisconsin National Guard. The chapter was in need of an overhaul, to organize it into subchapters, modernize language, eliminate outdated provisions, and make minor substantive changes. Because this was a technical and complex undertaking, the committee established a drafting subcommittee to develop draft legislation and report back to the full committee.

Along with Dick and Pam, the drafting subcommittee included several staff members from the Department of Military Affairs--some of whom are here today--who provided valuable background information about department functions and programs. The subcommittee's work was aided immeasurably by LRB drafters Bob Nelson and Robin Ryan, who worked diligently and patiently to produce this hefty bill. Thanks also

to Representative Schneider, who attended the subcommittee meetings, even though he didn't have to.

About the time the subcommittee first met, a Department of Military Affairs working group, led by Staff Judge Advocate Julio Barron, was drafting an updated version of the Wisconsin Code of Military Justice. The Code had not been updated since its enactment in 1969 and was in need of revision to address troop discipline issues in this period of increased National Guard activity. Also, when the Code was enacted, it was referenced in ch. 21, but the provision stated that the text of the Code was *not* to be included in the statutes. This meant that people had to find the old 1969 law to read the Code! The Adjutant General requested that our drafting subcommittee review the Department's proposed Code revisions and consider incorporating them into our bill, which we agreed to do.

The bill before you today--Assembly Bill 400, includes the re-organization and updating of ch. 21 *and* the revisions to the Wisconsin Code of Military Justice. The bill is the product of nine meetings of the drafting subcommittee over a six-month period. The study committee and the Joint Legislative Council both *unanimously* approved the bill and I hope you will recommend its passage today.

Briefly, the bill:

1. Moves the military affairs statutes, currently in ch. 21, into a newly-created ch. 321, subdivided into 5 subchapters to improve the readability of the chapter.
2. Modernizes language for consistency with current drafting style.
3. Repeals provisions no longer considered necessary, such as a section relating to the Badger Challenge program, which no longer exists.
4. Makes several minor substantive changes, such as increasing the penalties for unlawfully keeping military property.
5. Reorganizes, modernizes, and makes needed substantive changes to the current Wisconsin Code of Military Justice, and places the Code in a newly-created ch. 322 of the statutes.

One thing I want to point out about the Wisconsin Code of Military Justice provisions is that, to the greatest extent possible, the bill uses the same structure and language as is used in the *Uniform* Code of Military Justice, on which the revised Wisconsin Code is based. This includes the use of numbered articles—Article 1, Article 2, and so forth-- which parallel the Articles in the Uniform Code, for easy transition between the two documents.

At this time, I would be happy to answer any questions you have about the bill.